

United States Court of Appeals
For the Eighth Circuit

No. 11-3410

United States of America

Plaintiff - Appellee

v.

Adonis Adolph Dorman

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota - St. Paul

Submitted: October 15, 2012

Filed: October 31, 2012

[Unpublished]

Before BYE, BEAM, and SHEPHERD, Circuit Judges.

PER CURIAM.

Adonis Dorman appeals the mandatory minimum sentence of 180 months imposed by the district court¹ following his guilty plea to being a felon in possession

¹The Honorable John R. Tunheim, United States District Judge for the District of Minnesota.

of a firearm in violation of 18 U.S.C. § 922(g). Due to his criminal history, the district court determined that Dorman qualified for sentencing under the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e), and Dorman challenges two rulings related to this determination. However, we reject Dorman's argument that his prior Minnesota conviction for fourth-degree criminal sexual conduct² is not a predicate violent felony under the ACCA. See United States v. Scudder, 648 F.3d 630, 633-34 (8th Cir. 2011) (holding that a conviction under a substantially similar Indiana child molestation statute was categorically a violent felony). Similarly, his argument that the residual clause of the ACCA is unconstitutionally vague is foreclosed both by Supreme Court precedent and by our court's precedent. See James v. United States, 550 U.S. 192, 210 n.6 (2007) (noting that the Court was "not persuaded" by Justice Scalia's dissenting position that the residual provision of the ACCA is unconstitutionally vague); United States v. Childs, 403 F.3d 970, 972 (8th Cir. 2005) (rejecting defendant's vagueness argument). Accordingly, we affirm.

²Minn. Stat. Ann. § 609.345.